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November 22, 2004

FAX

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Centralized Facsimile No. GAU 2144 Examiner Thanh T. Nguyen	703.872.9306	U.S. Patent and Trademark Office Alexandria, VA 22313-1450

Leroy M. Toliver

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5989

REFERENCE NO

52224/296056

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Applicant:

Ayers et al.

Title:

Method and Systems for Directing Requests for
Content to a Content Server Based on Network
Performance

Serial No./Docket No.:

09/575,839

52224/296056

Issue Date

05/22/2000

PAPERS SUBMITTED:

1. PTO/SB/21 Transmittal Form
2. PTO/SB/17 Fee Transmittal FY 2005
3. Petition for Extension of Time Under 37 CFR 1.136 and 1.17
4. Response to July 22, 2004 Office Action

Date: November 22, 2004

By: Leroy M. Toliver, Reg. No. 50,409

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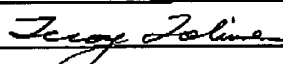
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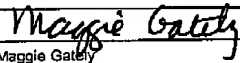
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TRANSMITTAL FORM	Application Number	09/575,839	
	Filing Date	May 22, 2000	
	First Named Inventor	Ayers	
	Art Unit	2144	
	Examiner Name	Thanh T. Nguyen	
(to be used for all correspondence after initial filing)		Attorney Docket Number	52224/296056
Total Number of Pages in This Submission		20	

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
<div style="border: 1px solid black; padding: 2px;">Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm	Kilpatrick Stockton LLP		
Signature			
Printed Name	Leroy M. Kolker		
Date	November 22, 2004	Reg. No.	50,409

CERTIFICATE OF TRANSMISSION/MAILING			
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Typed or printed name	Maggie Gately	Date	November 22, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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NOV 22 2004

Patents

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	Art Unit: 2144
Ayers et al.)	
)	Examiner: Nguyen, Thanh T.
Serial No.: 09/575,839)	
)	
Filed: 05/22/2000)	
)	
For: Methods and Systems for Directing)	
Requests for Content to a Content)	
Server Based on Network Performance)	

RESPONSE TO JULY 22, 2004 OFFICE ACTION AND REQUEST FOR INTERVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the Office Action mailed July 22, 2004, please enter the following amendments. Please reconsider the application in light of the amendments and the appended remarks. A request for a one month extension of time is attached to this response.

Prior to the filing of this office action, an attempt was made to conduct an interview with Examiner, but the Primary Examiner's schedule would not permit an interview before the response deadline. The Petitioner requests an interview with the Examiner to discuss the material presented herein.

CERTIFICATION OF FACSIMILE TRANSMISSION

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Typed Name of Person Signing Certification: Maggie Garely

Signature: _____ Dated: November 22, 2004

Response to Office Action
Serial No. 09/575,839

AMENDMENT

Amendments to the Claims are reflected in the listing of claims which begins on page 3 of this paper.

Remarks begin on page 15 of this paper.